IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

WP(C).No. 27267 of 2007(U)

PETITIONER:

VARGHESE PARAPPURATH, PADINJAREKKARA PO
VALLAKOM, VAIKOM - 686 146,
KOTTAYAM DISTRICT.

BY ADV. SRI.M.V.BOSE

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF INDUSTRIES,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE GEOLOGIST, MINING AND GEOLOGY,
DISTRICT OFFICE, KOTTAYAM.

3. THE DISTRICT COLLECTOR, KOTTAYAM.

4. THE TAHSILDAR, VAIKOM.

5. SMT.THRESIAMMA JOSEPH, VADAKKEDAM,
PADINJAREKKARA P.O., VAIKOM.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 27267 OF 2007
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Dated this the 13th day of September, 2007

J U D G M E N T

The complaint of the petitioner is that the 5th respondent is operating a quarry in violation of the conditions of the licence. This complaint appears to have been raised on an earlier occasion also. Petitioner has also produced Exhibits P3 to P5 complaints made to the Geologist, District Collector and Tahsildar. It is submitted that despite all these, no action is taken, as a result of which quarrying is being continued with added vigour. If the complaints are genuine and the allegation regarding the violation of the licence conditions is correct, I see no reason why the authorities should keep silent about it. If action is called for, that should be taken and there cannot be a compromise on this.

2. Accordingly, I dispose of this writ petition directing

the 3rd respondent to take up Ext.P4 complaint dated 2/7/07, if the same has been received and is pending. Notice shall be issued to the petitioner as also to the 5th respondent and after hearing them, if necessary, an inspection shall also be conducted. Thereafter appropriate action shall be taken if the complaint is genuine.

3. While decision is taken as above, the respondents shall also bear in mind the decision of this Court in **Soman v. Geologist (2004(3) KLT 577)**, which dealt with a case from the same locality. The decision as above shall be taken within a period of six weeks from the date of receipt of a copy of this judgment.

4. Petitioner shall produce a copy of this judgment before the respondents for compliance.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp